

Levyng of Soldiers.

177



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*; specially convened at *Boston*, upon Friday the fifth Day of *September*, 1755.

C H A P. IX.

An Act for the more speedy Levyng of Soldiers for the Expedition against *Crown-Point*.

WHEREAS this Government have judged it necessary that two Thousand Men be raised (in Addition to those who have been already inlisted or ordered to be raised to Reinforce the Army under the Command of Major General Johnson, destined to *Crown-Point*, and have thereupon desired his Honour the Commander in Chief, to order the several Companies both of Horse and Foot in all the Regiments within this Province (those in the County of York excepted) to be mustered on the fifteenth of September Instant; and in Case the Number of Two Thousand Men should not then be inlisted, that the aforesaid Number be compleated by an Impress to be made as soon as may be :

Preamble.

Wherefore for the more speedy and effectual raising and levyng of Soldiers for the Service aforesaid :

Be it enacted by the Lieutenant Governour Council, and House of Representatives, That upon due Warning given (by Order of the Commander in Chief) by one of the Serjeants or Corporals of the several Troops and Companies, to each Person belonging to the same, either in Person, or in Case of his Absence from Home, by leaving a Notification in Writing at the usual Place of his Abode, for mustering the Companies of Horse and Foot for the Purposes before-mentioned, every Person (who by Law is obliged to attend Military Musters) whether belonging to any Troop or Foot Company, shall punctually attend and continue at such Muster at the Time and Place that shall be appointed therefor, on Pain of incurring the Penalty of twenty Pounds, unless it shall appear on Trial of the Offence that his Attendance was necessarily and unavoidably prevented; and every Person who shall be impressed for the Service aforesaid, shall duly attend the same, either by himself, or by some other effective able-bodied Person in his Stead, on

Manner of notifying the Muster of the several Companies of Militia in order to raise Volunteers &c.

[A a a]

Penalty

Supply of the Treasury.

Fine for not
serving when
Impress'd.

Manner of
Recovery.

Penalty of the Sum of *ten Pounds*, unless he shall have had a Discharge from such Impress in Writing under the Hand of the Captain or chief Officer of such Troop or Company, or of the Commander in Chief of the Province; The Penalties aforesaid to be imposed and recovered as is provided in the nineteenth Paragraph of an Act of this Province made and passed in the fifth Year of their late Majesties *William and Mary*, Intituled *An Act for regulating the Militia*; except of Minors and Servants, whose Penalties shall be recovered of their Parents or Masters respectively, and to be disposed of as Fines are for Persons impressed not attending the Service; by Virtue of an Act of this Province, made and passed in the twenty-seventh Year of his present Majesty's Reign, Intituled *An Act for levying of Soldiers, and to prevent Soldiers and Seamen in his Majesty's Service from being arrested for Debt*.

C H A P. X.

An Act for supplying the Treasury with the Sum of *Sixteen Thousand Pounds* for discharging the publick Debts, and for drawing the same into the Treasury.

Preamble.

WHEREAS the Provision heretofore made by this Court is insufficient to discharge the Debts that now are or may become due for the Expedition against Crown-Point; and whereas there are and will be several Demands upon the Treasury which do and will require speedy Payment: Therefore,

Treasurer im-
powered to
borrow
£. 16,000.

Be it enacted by the Lieutenant Governour, Council and House of Representatives, That the Treasurer of the Province be and hereby is impowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding the Sum of *sixteen Thousand Pounds* in mill'd Dollars at *six Shillings* each, or in other Silver at *six Shillings and eight Pence* per Ounce, for a Term not exceeding eight Months, and the Sum so borrowed, shall be applied in Manner as in this Act is directed; and for every Sum so borrowed, the Treasurer shall give a Receipt and Obligation (but for no Sum less than *six Pounds*) in Form following.

Form of
Treasurer's
Receipt.

Province of the Massachusetts-Bay, Day of 1755
Received of the Sum of for the Use and Service
of the Province of the Massachusetts-Bay; and in Behalf of said Province I
do hereby Promise and Oblige myself and Successors in the Office of Treasurer, to
Repay the said or Order, the Day of 1756
the aforesaid Sum of in coined Silver of Sterling Alloy at six Shillings
and eight Pence per Ounce, or Spanish mill'd Dollars at six Shillings each,
with Interest at the Rate of Six per Cent per Annum. Witness my Hand,
A. B. Treasurer.

Treasurer
to give Notes
on Warrants.

And wherers it may happen that some of the Persons who have done Service for this Government, and for the Payment of which the Sum raised by this Act is intended, may be willing to lend the Sum due to them on Interest, and take the Treasurer's Notes for the Money so lent:

Be it further enacted, That when and so often as any Person or Persons who shall have a Warrant on the Treasury payable out of the Appropriation mentioned in this Act, and shall bring such Warrant to the Treasurer, expressing his willingness to lend the Sum mentioned in said Warrant to the Government, the Treasurer in such Case shall give out his Notes therefor in like Manner as if the same Sum had been brought to him in Dollars or other Silver, and shall Charge this Appropriation with the Payment thereof until such Appropriation shall be exhausted.

Dutiny and Desertion.

And be it further enacted, That any Warrants which may have been given by the Governour and Council, and were payable out of any exhausted Appropriations in any former Acts for supplying the Treasury, shall be paid respectively out of the Appropriation for the like Purpose in this Act.

Former Warrants on exhausted Appropriations to be paid.

And be it further enacted, That the aforesaid Sum of *sixteen Thousand Pounds* when received into the Treasury, shall be issued out and applied for the Service of the Expedition against *Crown-Point*, and for no other Purpose whatsoever.

Said £. 16,000 to be applied for *Crown-Point Expedition*.

And in order to draw the Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations (with the Interest that may be due thereon) by him given in pursuance of this Act :

Be it enacted, That there be and hereby is granted to his most excellent Majesty a Tax of *Eighteen Thousand Pounds*, to be levied on Polls and Estates Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed on and ordered by the General Court of this Province at their present Session ; which Sum shall be paid into the Treasury on or before the thirty-first Day of *March* next.

Tax of £. 18,000 granted on Polls and Estates.

[The two foregoing Acts were Published August 8. 1755.]

C H A P. XI.

An Act for preventing and punishing the Desertion of Soldiers in the Expedition against *Crown-Point*, or in the Defence of the Frontiers of this Government.

WHEREAS Soldiers duly inlisted, or to be inlisted or impressed for the present Expedition against *Crown-Point*, or for the Defence of the Frontiers of this Province, do, and may afterwards desert, and be found wandering or otherwise absenting themselves illegally from his Majesty's Service :

Preamble.

Be it therefore enacted by the Lieutenant Governour, Council and House of Representatives, That it shall and may be lawful for the Sheriff of any County, or either of his Deputies, for any Constable or Tythingman of the Town or Place, or any other Person, where any Person who may be reasonably suspected to be such a Defter, shall be found, to apprehend or cause him to be apprehended, and to cause such Person to be brought before any Justice of the Peace living in or near such Town or Place, who hath hereby Power to examine such suspected Person, and if by his Confession, or the Testimony of one or more Witnesses or Witnesses upon Oath, or by the Knowledge of such Justice of the Peace, or any other Proof, it shall appear or be found that such suspected Person is a listed or impressed Soldier, as is aforesaid, tho' listed or impressed in any other Government, and that he ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the Goal of the County or Place where he shall be found, and transmit an Account thereof to the Commander in Chief, or Secretary of this Province ; And such Defter shall be returned to his Service by the first Opportunity, and the Keeper of such Goal shall receive the full Subsistence of such Defter or Deferters during the Time that he or they shall continue in his Custody, for the Maintenance of the said Defter or Deferters, but shall not be intitled to any Fee or Reward on Account of the Imprisonment of such Defter or Deferters.

Sheriffs &c. their Power to apprehend Deferters.

To be returned when taken to their Service.

And

Mutiny and Desertion.

And for the better Encouragement of any Person or Persons to secure or apprehend such Deserters :

Allowance for apprehending Deserters. Be it further enacted, That upon the Certificate of such Justice of the Peace to the Province Treasurer, there shall be paid by him to such Persons as shall apprehend or cause to be apprehended any Deserter from his Majesty's said Service *twenty Skillings*, and the Costs of Prosecution to be deducted out of his Wages for every Deserter that shall be so apprehended and committed.

[*This Act was Published September 9. 1755.*]



B O S T O N :

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